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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,926	06/25/2001	John Ruckart	60027.0003US01/BS00376	9717

23552 7590 03/13/2003

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EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,926

Applicant(s)

RUCKART, JOHN

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Birckbichler (US 5,796,806) in view of Horan (US 6,347,136).

Regarding **claim 1**, Birckbichler discloses a method for spoken caller identification (column 1, lines 8-11), (which reads on claimed "a method of providing audio caller identification"), comprising the steps of:

receiving a call (column 2, line 57 "a call"), the call being associated with a directory number (column 2, lines 56-59) [The Signaling Network recognizes a call with the caller's number];

querying a database (column 2, line 61 "database") for caller identification information (column 2, line 60 "caller's name") associated with the call (column 2, lines 60-63) [The Intelligent Peripheral obtains the caller's name from a related database];

sending the caller identification information to a caller identification device (column 4, lines 4-8) [The cellular switch sending the caller ID to a data server]; and

synthesizing and playing an audio message (column 4, line 9 "spoken identification") related to the caller identification information associated with the call (column 4, lines 8-14) [The spoken identification is made available to the subscriber].

Birckbichler fails to disclose displaying the caller identification information.

However, Horan teaches displaying the caller identification information associated with the call (column 3, lines 43-51) [A liquid crystal display for displaying messages].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use displaying the caller identification information of Horan in the invention of Birckbichler.

The modification of the invention would offer the capability of displaying the caller identification information such as the called party would know who is calling.

Regarding **claims 2, 6 and 9**, Birckbichler discloses prior to the step of synthesizing and playing an audio message, saving a recorded audio message associated with a directory number (column 2, lines 60-63);

comparing the directory number associated with the call with the directory number associated with the recorded audio message (column 2, lines 56-59);

if the directory number associated with the call matches the directory number associated with the recorded audio message, playing the recorded audio message (column 4, lines 8-14); and

if the directory number associated with the call does not match the directory number associated with the recorded audio message, then performing the step of synthesizing and playing an audio message related to the caller identification information associated with the call (column 3, lines 27-35).

Birckbichler fails to disclose displaying the caller identification information.

However, Horan teaches displaying the caller identification information associated with the call (column 3, lines 43-51).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use displaying the caller identification information of Horan in the invention of Birckbichler.

The modification of the invention would offer the capability of displaying the caller identification information such as the called party would know who is calling.

Regarding **claim 3**, Birckbichler as applied to **claim 2** differs from **claim 3** in that it fails to disclose ringing a telephone, suspending ringing the telephone.

However, Horan teaches wherein the step of sending the caller identification information to a caller identification device includes ringing a telephone to which the caller identification device is functionally connected (column 5, lines 32-47);

wherein the step of playing the recorded audio message and displaying the caller identification information associated with the call includes suspending ringing the telephone while playing the recorded audio message (column 6, lines 24-36); and

wherein the step of playing an audio message related to the caller identification

information associated with the call includes suspending ringing the telephone while playing the recorded audio message (column 6, lines 24-36).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use ringing a telephone, suspending ringing the telephone of Horan in the invention of Birckbichler.

The modification of the invention would offer the capability of ringing a telephone, suspending ringing the telephone such as the system would play the caller's name.

Regarding **claim 4**, Birckbichler as applied to **claim 2** differs from **claim 4** in that it fails to disclose playing the audio message related to the caller identification information over a speaker.

However, Horan teaches wherein the steps of playing the recorded audio message and displaying the caller identification information associated with the call and playing an audio message related to the caller identification information associated with the call include playing the recorded audio message and playing the audio message related to the caller identification information over a speaker functionally connected to the caller identification device (column 6, lines 24-36).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use playing the audio message related to the caller identification information over a speaker of Horan in the invention of Birckbichler.

The modification of the invention would offer the capability of playing the audio message related to the caller identification information over a speaker such as the system would play the caller's name.

Regarding **claim 5**, Birckbichler discloses a method for spoken caller identification (column 1, lines 8-11), (which reads on claimed "a method of providing audio caller identification in an Advanced Intelligent Network"), including a switch (SSP on FIG. 1), a service control point (Database on FIG. 1), a service node (IP on FIG. 1) and a database (Database on FIG. 1) of caller identification information, wherein the service control point and the service node are functionally connected to the switch (FIG. 1 and column 2, lines 32-55), and wherein the method comprises the steps of:

receiving a call (column 2, line 57 "a call") from a calling party (Caller on FIG. 1) at a calling party switch (SSPc on FIG. 1) directed to a called party (Subscriber on FIG. 1) at a called party switch (SSPs on FIG. 1 and column 2, lines 56-59) [The Signaling Network recognizes a call with the caller's number];

sending call information associated with the call to the service control point, the call information including the directory number of the calling party (column 4, lines 4-8) [The cellular switch sending the caller ID to a data server];

at the service control point, querying the database of caller identification information for caller identification information associated with the call (column 2, lines 60-63) [The Intelligent Peripheral obtains the caller's name from a related database];

causing the service node to synthesize and send an audio message (column 4, line 9 "spoken identification") related to the caller identification information associated with the call to a called party caller identification device (Subscriber on FIG. 1) via the called party switch (column 4, lines 8-14) [The spoken identification is made available to the subscriber]; and

at the called party caller identification device, playing the audio message (column 4, lines 8-14) [The spoken identification is made available to the subscriber].

Birckbichler fails to disclose displaying the caller identification information.

However, Horan teaches displaying the caller identification information associated with the call (column 3, lines 43-51) [A liquid crystal display for displaying messages].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use displaying the caller identification information of Horan in the invention of Birckbichler.

The modification of the invention would offer the capability of displaying the caller identification information such as the called party would know who is calling.

Regarding **claim 7**, Birckbichler discloses after the step of receiving a call from a calling party at a calling party switch directed to a called party at a called party switch, receiving at the service node a recorded audio message from the calling party directed to the called party (column 2, lines 56-59);

sending the recorded audio message from the calling party to a called party caller identification device via the called party switch (column 4, lines 4-8);

at the called party caller identification device, playing the recorded audio message from the calling party (column 4, lines 8-14); and

if no recorded audio message is received from the calling party directed to the called party, then performing the steps of:

if the directory number associated with the call matches the directory number associated with the recorded audio message, sending the recorded audio message to a called party caller identification device via the called party switch (column 4, lines 8-14);

at the called party caller identification device, playing the recorded audio message and displaying the caller identification information associated with the call (column 4, lines 8-14); and

if the directory number associated with the call does not match the directory number associated with the recorded audio message, then performing the step of causing the service node to synthesize and send an audio message related to the caller identification information associated with the call to a called party caller identification device via the called party switch (column 3, lines 27-35).

Birckbichler fails to disclose displaying the caller identification information.

However, Horan teaches displaying the caller identification information associated with the call (column 3, lines 43-51).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use displaying the caller identification information of Horan in the invention of Birckbichler.

The modification of the invention would offer the capability of displaying the caller identification information such as the called party would know who is calling.

Regarding **claim 8**, Birckbichler discloses an apparatus for spoken caller identification (column 1, lines 8-11), (which reads on claimed "a system for providing audio caller identification"), comprising:

a software module (column 2, lines 41-42 "Software 1129 plus") operative to query a database (column 2, line 61 "database") for caller identification information (column 2, line 60 "caller's name") associated with a call (column 2, line 57 "a call") from a calling party (Caller on FIG. 1) to a called party (Subscriber on FIG. 1), the call being associated with a directory number (column 2, lines 56-63) [The Signaling Network recognizes a call with the caller's number. The Intelligent Peripheral obtains the caller's name from a related database];

to send the caller identification information to a caller identification device (column 4, lines 4-8) [The cellular switch sending the caller ID to a data server];

the caller identification device, operative to receive the caller identification information (column 4, lines 8-10) [The data server determines what spoken identification to be made available for the subscriber];

to synthesize and play an audio message related to the caller identification information associated with the call (column 4, lines 8-14) [The spoken identification is made available to the subscriber].

Birckbichler fails to disclose displaying the caller identification information.

However, Horan teaches to display the caller identification information associated with the call (column 3, lines 43-51) [A liquid crystal display for displaying messages].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use displaying the caller identification information of Horan in the invention of Birckbichler.

The modification of the invention would offer the capability of displaying the caller identification information such as the called party would know who is calling.

Regarding **claim 10**, Birckbichler discloses a method for spoken caller identification (column 1, lines 8-11), (which reads on claimed "a method of providing audio caller identification"), comprising the steps of:

saving a recorded audio message (column 2, line 62 "state his/her name for recording") associated with a directory number (column 2, lines 60-63) [The Intelligent Peripheral obtains the caller's name from a caller to record for the subscriber];

receiving a call (column 2, line 57 "a call"), the call being associated with the directory number (column 2, lines 56-59) [The Signaling Network recognizes a call with the caller's number];

querying a database (column 2, line 61 "database") for caller identification information associated with the call (column 2, lines 60-63) [The Intelligent Peripheral obtains the caller's name from a related database];

sending the caller identification information to a caller identification device (column 4, lines 4-8) [The cellular switch sending the caller ID to a data server];

comparing the directory number associated with the call with the directory number associated with the recorded audio message (column 3, lines 19-25) [The Intelligent Peripheral compares the calling telephone numbers for a match];

if the directory number associated with the call matches the directory number associated with the recorded message, playing the recorded audio message (column 4, lines 8-14) [The spoken identification is made available to the subscriber]; and

if the directory number associated with the call does not match the directory number associated with the recorded message, synthesizing and playing an audio message related to the caller identification information associated with the call (column 3, lines 27-35) [The Intelligent Peripheral will verbally recite the name of the caller to the subscriber if there is no match].

Birckbichler fails to disclose displaying the caller identification information.

However, Horan teaches displaying the caller identification information associated with the call (column 3, lines 43-51) [A liquid crystal display for displaying messages].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use displaying the caller identification information of Horan in the invention of Birckbichler.

The modification of the invention would offer the capability of displaying the caller identification information such as the called party would know who is calling.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nabkel is cited for a method for posting messages to callers (FIG. 1).

Gutzmann is cited for a calling party identification authentication (FIG. 1).


Bossemeyer, Jr. et al. is cited for a system for text-to-speech conversion of caller information (FIG. 1).

Art Unit: 2645

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.


g.g.
February 26, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

